

106TH CONGRESS  
1ST SESSION

# H. R. 3045

To amend title XIX of the Social Security Act to extend the authority of State Medicaid fraud control units to investigate and prosecute fraud in connection with Federal health care programs and abuse of residents of board and care facilities.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 1999

Mr. LAZIO (for himself, Mr. BARRETT of Wisconsin, Mrs. KELLY, Mr. EHLERS, and Mr. McHUGH) introduced the following bill; which was referred to the Committee on Commerce

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## A BILL

To amend title XIX of the Social Security Act to extend the authority of State Medicaid fraud control units to investigate and prosecute fraud in connection with Federal health care programs and abuse of residents of board and care facilities.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Senior Citizen Protec-  
5       tion Act of 1999”.

1 **SEC. 2. EXTENSION OF AUTHORITY OF STATE MEDICAID**  
2 **FRAUD CONTROL UNITS.**

3 (a) EXTENSION OF AUTHORITY TO INVESTIGATE  
4 AND PROSECUTE FRAUD IN OTHER FEDERAL HEALTH  
5 CARE PROGRAMS.—Section 1903(q)(3) of the Social Secu-  
6 rity Act (42 U.S.C. 1396b(q)(3)) is amended—

7 (1) by inserting “(A)” after “in connection  
8 with”; and

9 (2) by striking “title.” and inserting “title; and  
10 (B) upon the approval of the Inspector General of  
11 the relevant Federal agency, any aspect of the provi-  
12 sion of health care services and activities of pro-  
13 viders of such services under any Federal health  
14 care program (as defined in section 1128B(f)(1)), if  
15 the suspected fraud or violation of law in such case  
16 or investigation is primarily related to the State plan  
17 under this title.”.

18 (b) RECOUPMENT OF FUNDS.—Section 1903(q)(5) of  
19 such Act (42 U.S.C. 1396b(q)(5)) is amended—

20 (1) by inserting “or under any Federal health  
21 care program (as so defined)” after “plan”; and

22 (2) by adding at the end the following: “All  
23 funds collected in accordance with this paragraph  
24 shall be credited exclusively to, and available for ex-  
25 penditure under, the Federal health care program  
26 (including the State plan under this title) that was

1 subject to the activity that was the basis for the col-  
2 lection.”.

3 (c) EXTENSION OF AUTHORITY TO INVESTIGATE  
4 AND PROSECUTE RESIDENT ABUSE IN NON-MEDICAID  
5 BOARD AND CARE FACILITIES.—Section 1903(q)(4) of  
6 such Act (42 U.S.C. 1396b(q)(4)) is amended to read as  
7 follows:

8 “(4)(A) The entity has—

9 “(i) procedures for reviewing complaints of  
10 abuse or neglect of patients in health care fa-  
11 cilities which receive payments under the State  
12 plan under this title;

13 “(ii) at the option of the entity, procedures  
14 for reviewing complaints of abuse or neglect of  
15 patients residing in board and care facilities;  
16 and

17 “(iii) procedures for acting upon such com-  
18 plaints under the criminal laws of the State or  
19 for referring such complaints to other State  
20 agencies for action.

21 “(B) For purposes of this paragraph, the term  
22 ‘board and care facility’ means a residential setting  
23 which receives payment (regardless of whether such  
24 payment is made under the State plan under this  
25 title) from or on behalf of two or more unrelated

1 adults who reside in such facility, and for whom one  
2 or both of the following is provided:

3 “(i) Nursing care services provided by, or  
4 under the supervision of, a registered nurse, li-  
5 censed practical nurse, or licensed nursing as-  
6 sistant.

7 “(ii) A substantial amount of personal care  
8 services that assist residents with the activities  
9 of daily living, including personal hygiene,  
10 dressing, bathing, eating, toileting, ambulation,  
11 transfer, positioning, self-medication, body care,  
12 travel to medical services, essential shopping,  
13 meal preparation, laundry, and housework.”.

14 (d) EFFECTIVE DATE.—The amendments made by  
15 this section take effect on the date of enactment of this  
16 Act.

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